IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 650 of 2006 (M/B)

Samoon S/o Shri Saukat,
R/o Village-Bharapur,
P.S.Jwalapur,
District Haridwar ..... Petitioner

1. State of Uttaranchal through
   S.S.P.Haridwar,
   District Haridwar.
2. S.H.O., P.S. Kotwali Jwalapur,
   District Haridwar
3. Smt. Hazara W/o Late Nisar,
   R/o Village-Bharapur,
   P.S. Jwalapur, District Haridwar,
   at present R/o Village Naujali,
   P.S.Nagar, District Saharanpur ..... Respondents

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Sri Lok Pal Singh, Advocate for the petitioner.
Sri H.C.Pande, A.G.A. for respondent 1 and 2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAVEE GUPTA, C. J. (Oral)

Sri Lok Pal Singh, the learned counsel for the petitioner.

Sri H.C.Pande, the learned Addl. Government Advocate for respondent 1 and 2.

2. Petitioner Samoon is seeking quashing of the First Information Report registered against him at Crime No. 156 of 2006 at Police Station Jwalapur, District Haridwar for the alleged commission of the offence punishable U/s 379 of the India Penal Code.

3. Respondent No. 3 Smt. Hazara, who is the widow of the brother of petitioner's father Saukat, has lodged the First Information Report (Annexure 1) alleging that the petitioner and his co-accused persons had cut and taken away *Masoor* crop sown by her valuing about Rs. 30,000/-

4. On due consideration of the submissions of the learned counsel for the parties; contents of the First Information Report and the other material available before us, we are of opinion that it is not a fit case for quashing of the First Information Report and the case registered against the petitioner.

5. However, we deem it proper to direct that in the event of the arrest of the petitioner Samoon by the police or his surrender before the concerning Court, his bail petition shall be taken up for hearing in accordance with law without undue delay.

6. With the above, order, the writ petition stands disposed of summarily.

7. With the above order, CLMA No. 6633 of 2006 also stands disposed of.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C. J.)**
16.06.2006 16.06.2006

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